



## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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### PERTUSSIS TOXIN GENE: CLONING AND EXPRESSION

the specification of which (check one)

GROUP 180

is attached hereto

was filed on JUNE 22, 1990 as Application Serial No. 07/542,149 and was amended on October 5, 1992 (If applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Reid G. Adler, 30,988; James C. Haight, 23,588; Marjorie D. Hunter, 30,560; Gloria P-35,762; David R. Sadowski, 32,806; and Larry Hyman, 35,551.

I hereby appoint as my associate attorneys, with full power to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Arthur Schwartz, Reg. No. 22,115; Donald D. Jeffrey, Reg. No. 19,980; Richard L. Schwaab, Reg. No. 25,479; Peter G. Mack, Reg. No. 26,001; David A. Blumenthal, Reg. No. 26,257; Joseph D. Evans, Reg. No. 26,269; John J. Feldhaus, Reg. No. 28,822; Stephen A. Beat, Reg. No. 29,768; Bernhard D. Saxe, Reg. No. 28,665; Colin G. Sanderson, Reg. No. 31,294.

Send all correspondence to **FOLEY & LARDNER**, P.O. Box 299, Alexandria, VA 22313-0299.  
Address telephone communications to Stephen A. Beat at (703) 836-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor Witold Cieplak, Jr.	Signature of First or Sole Inventor 	Date 11/25/92
Residence Address Northwest 237 Hilltop Drive, Hamilton, Montana 59840	Country of Citizenship U.S. United States	
Post Office Address Northwest 237 Hilltop Drive, Hamilton, Montana 59840		

Signatures should conform to names as typewritten.  Additional inventors on attached Page 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :  
Jerry M. Keith : Art Unit: 1814  
Serial No.: 07/542,149 :  
Filed: 06/22/90 : Examiner: G. Bugaisky

Title: PERTUSSIS TOXIN GENE: CLONING AND EXPRESSION

Consent of Assignee

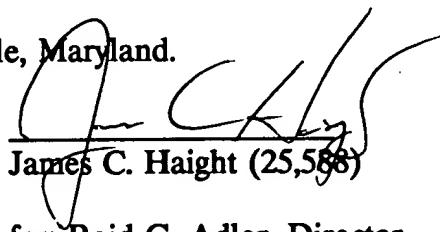
Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir or Madam:

The United States Department of Health and Human Services is assignee of the entire right, title, and interest in and to the above-identified application as shown by the assignment recorded on February 15, 1989, at Reel 5042, Frame 0961, in the patent assignment records of the U.S. Patent and Trademark Office. Said assignee hereby consents to the amendment of inventorship of this application to add the name of Witold Cieplak, Jr. as inventor, and to delete the name of Jerry M. Keith as inventor.

The National Institutes of Health Office of Technology Transfer has been duly delegated responsibility for such patent matters under the authority of the Department of Health and Human Services Secretary Louis W. Sullivan's May 21, 1991 memorandum appearing in the Friday, June 7, 1991 Federal Register Notices at Vol. 56, No. 110, pages 26418-26419, a copy of which is attached. The undersigned is authorized to exercise such authority in this matter.

Done on November 30, 1992, at Rockville, Maryland.

  
James C. Haight (25,588)

for: Reid G. Adler, Director  
Office of Technology Transfer  
National Institutes of Health  
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DHHS #: E-171-86/2